

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERT HOLMES III,

Plaintiff,

v.

LAS VEGAS METROPOLOTAN POLICE
DEPARTMENT, et al.,

Defendants.

Case No. 2:15-cv-1118-LDG-PAL

ORDER

(IFP Application – Dkt. #1)

This matter is before the Court on Plaintiff Robert Holmes III's Application to Proceed *In Forma Pauperis* (Dkt. #1) filed June 12, 2015. Plaintiff is a prisoner proceeding in this action *pro se*, and he has submitted a Complaint along with a financial affidavit and inmate trust account statement required by 28 U.S.C. § 1915(a)(2). This proceeding was referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rules IB 1-9.

Plaintiff's financial affidavit shows that he is unable to prepay fees and costs or give security for them. Accordingly, his request to proceed in forma pauperis will be granted pursuant to 28 U.S.C. § 1915(a). Plaintiff must pay an initial partial filing fee of the greater of twenty percent of the average monthly deposits or twenty percent of the average monthly balance of his account for the six months immediately preceding the commencement of this action. *See* 28 U.S.C. § 1915(b)(1). Plaintiff's average monthly balance is \$0.78¢, and his average monthly deposit is \$16.67. Therefore, the Court finds that Plaintiff must pay an initial partial filing fee of \$3.33. Upon receipt of the initial partial filing fee, the Court will screen Plaintiff's complaint pursuant to 28 U.S.C. § 1915A ("The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner

1 seeks redress from a government entity or officer or employee of a governmental entity”).
 2 Plaintiff is advised that even if this action is dismissed, he must still pay the full filing fee
 3 pursuant to 28 U.S.C. § 1915(b)(2).

4 Accordingly,

5 **IT IS ORDERED:**

- 6 1. Plaintiff’s Application to Proceed *In Forma Pauperis* (Dkt. #1) is GRANTED.
 7 He shall Plaintiff shall be required to pay an initial partial filing fee in the amount
 8 of \$3.33 toward the full filing fee of \$400.00. Plaintiff shall have until **July 24,**
 9 **2015**, to have the designated fee sent to the Clerk of the Court. Failure to do so
 10 may result in a recommendation to the district judge for dismissal of this action.
 11 Even if this action is dismissed, the full filing fee must still be paid pursuant to 28
 12 U.S.C. § 1915(b)(2). Upon receipt of the initial partial filing fee, the Court will
 13 screen Plaintiff’s complaint pursuant to 28 U.S.C. § 1915(a).
- 14 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
 15 prepayment of any additional fees or costs or the giving of security therefor. This
 16 Order granting *in forma pauperis* status shall not extend to the issuance of
 17 subpoenas at government expense.
- 18 3. The Clerk of Court shall provide Plaintiff with two copies of this Order. Plaintiff
 19 is ordered to make the necessary arrangements to have one copy of this Order
 20 attached to the check in the amount of the initial partial filing fee.
- 21 4. Pursuant to 28 U.S.C. § 1915(b)(2), the Southern Desert Correctional Center shall
 22 forward to the Clerk of the United States District Court, District of Nevada,
 23 twenty percent preceding month’s deposits to Plaintiff’s account (in the months
 24 that the account exceeds \$10.00) until the full \$400.00 filing fee has been paid for
 25 this action. The Clerk of the Court shall send a copy of this Order to the Finance
 26 Division of the Clerk’s Office and the Accounting Supervisor of the Southern
 27 Desert Correctional Center. If Plaintiff should be transferred, the Accounting
 28 Supervisor at Southern Desert Correctional Center is directed to send a copy of

1 this Order to the new place of incarceration, indicating the amount that Plaintiff
2 has paid towards his filing fee, so that funds may continue to be deducted from
3 Plaintiff's account.

- 4 5. Plaintiff's Motion for Appointment of Counsel (Dkt. #2) is DENIED WITHOUT
5 PREJUDICE. Plaintiff may refile the motion after the Court has screened the
6 complaint pursuant to 28 U.S.C. § 1915 and found he has stated a cognizable
7 federal claim.

8 Dated this 26th day of June, 2015.

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11 PEGGY A. LEEN
12 UNITED STATES MAGISTRATE JUDGE
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